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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,366	04/12/2004	Jeffrey P. Baldwin	211666-001044 (P6723)	3081

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EXAMINER

MCPARTLIN, SARAH BURNHAM

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/822,366	Applicant(s) BALDWIN ET AL.	
	Examiner Sarah B. McPartlin	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 1-26,31 and 35-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-26, 31 and 35-47 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 7, 2005.

Priority

2. Acknowledgement is made of applicant's claim for domestic priority based on provisional application 60/465366 filed in the United States on April 24, 2003.

Information Disclosure Statement

3. The information referred to in the information disclosure statements filed on June 28, 2004 has been considered as to the merits.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," **"The invention relates,"** etc.

Claim Objections

5. Claims 27-30 and 32-34 are objected to because of the following informalities: It appears as if the word - - the - - should be inserted before the second instance of the word "belt" in the last line of claim 27 for the sake of clarity. Claims 28-30 and 32-34 are objected to as being dependent upon an objected base claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 27-30 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutz (5,611,644). Lutz discloses a device (28) for securing a harness (32) in a restraint system (12), the device (28) comprising: a frame (18) having a base (30); a belt (34) having a plurality of contiguous abutment members (38), a portion of the belt (34) extending along the base (30) as disclosed in Figures 4 and 4 and being adaptable for coupling to the harness (32) (i.e. the two elements are integrally coupled together as shown in Figure 1); a ratchet tooth member (40) having a belt engaging

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member (92) at one end, the ratchet tooth member (40) mounted to the frame (18) for movement between a first position (Figure 5) wherein the engaging member (92) is spaced from the base (30) and a second position (Figure 4) wherein the engaging member (92) extends towards the base (30) in an incline angle (unlabeled) with respect to the base (30); and a spring (50) secured to the frame (18) in a biased relation with the ratchet tooth member (40), urging the belt engaging member (92) towards the second position (Figure 4), whereby the spring (50) maintains the belt engaging member (92) in an engaging relationship with the belt (34).

With respect to claim 28, the ratchet tooth member (40) includes a first side (unlabeled) and a second side (unlabeled), and a guide ear (44) on each side, and the base (18) includes a pair of spaced apart and opposing walls (50), each wall having an angled slot (48), the pair of angled slots (48) aligned with on another and receiving a respective guide ear (44) of the ratchet tooth member (40) as best depicted in Figure 6, whereby the guide ears (44) and angled slots (48) allow linear movement of the ratchet tooth member (40) from a first position (Figure 5) to a second position (Figure 4).

With respect to claim 29, the base (30) is a substantially flat portion, which receive a portion of the belt (34) as seen in Figures 4 and 5.

With respect to claim 30, the ratchet tooth member (40) includes a top portion (unlabeled), and the spring is biased against the top portion, urging the ratchet tooth member (40) towards the second position (Figure 4) and in engagement with the belt (34).

With respect to claims 32 and 33, the device includes a release mechanism (52) in the form of a rod (given that it is an upwardly protruding element extending the width of the ratchet tooth (40)) aligned with a top portion of the ratchet tooth member (40) for urging the ratchet tooth member against the force of the spring (50) and towards the direction of the first position (Figure 5) whereby the position of the belt (34) with respect to eh frame (18) can be adjusted.

With respect to claim 34, the ratchet tooth member (40) includes a first side (unlabeled) and a second side (unlabeled), and a guide ear (44) on each side, and the base (18) includes a pair of spaced apart and opposing walls (50), each wall having an opening (48), the pair of openings (48) aligned with on another and receiving a respective guide ear (44) of the ratchet tooth member (40) as best depicted in Figure 6, whereby the guide ears (44) and openings (48) allow pivotal of the ratchet tooth member (40) from a first position (Figure 5) to a second position (Figure 4). It should be noted that the configuration of the openings allows for linear and pivotal movement of the ratchet tooth member (40). Element (78), which is part of the ratchet tooth member (40), pivots about axis (70), while the end portion (54), of ratchet tooth member (40), moves linearly.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Maggi (6,185,794); Tan (6,578,241); Takamizu et al. (6,390,562);

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Mao (5,774,953); Sim (6,067,662); Lai (6,163,941); Wetter (US2003/0159258 A1); Anthony et al. (4,660,889) and Isaji (5,607,185).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBM
January 5, 2006


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600

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